G. R. S. IX-5]

Previous references.

1920.

(Cts.)

Later references.

File No.

Serial N

Preserve
[illegible]
17.1.43

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Two.

Part B for

June 192

SUBJECT.

Memorial of Siddamada Gowda the Sentence of death passed on him Sessions Case no. 4 of 1920 - 21.

8(2)

To

The Registrar, Chief Court

No. G 24126 of 9-6.

Forwards copy of order pass H.H the Maharaja, commuting th of death into one of transportat life.

WD 2233—GPB—20,000—14-6-20

(For Disposal by Circulation.)

No. C. 586

.....1920-21

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Memorial of Siddamada Gowda against the sentence of death passed on him in Mysore Sessions Case No. 4 of 1920-21.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

.....19th April.....1921.

Offg. *Chief Secretary to Government.*

Extraordinary Member of Council. Opinion recorded.

First Member of Council. [signature] 4

5435-97 Second Member of Council. Opinion recorded
20-4-21

[signature] 22.4.21

Third Member of Council. Opinion recorded.

G. R. S. 11] 1920-21

GENERAL AND REVENUE SECRETARIAT.

(C 5)

NOTES.

File No. 202-20

FILE HEADING.

Memorial of Sidda Mada Gowda - against the sentence of death passed upon him in Mysore Sessions Case no 4 of 20-21.

From

The Registrar of the Chief Court.

No. 857 Dated 26-3-21 Received 30-3-21

Diary No.	Enclos.	Spare Copies.	Serial No.
20421	3 enclosures & records.		1

BRIEF ABSTRACT OF LETTER.

Forwards the memorial of Sidda Mada Gowda against the sentence of death passed upon him in Mysore Sessions Case no 4 of 20-21 together with

NOTES AND ORDERS.

the record of the Case.

1) Submitted for orders. The memorialist was sentenced to the extreme penalty of the law on a charge of murder by the Sessions Judge

NOTES—First Sheet.

G R S. III-2]

20421

General and Revenue Secretariat.

File No. 202 of 1920

Serial No.

Mysore in Mysore Sessions Case no 4 of 20-21. On appeal, the Chief Court confirmed the sentence. The memorialist now prays that the sentence of death may be commuted for any other punishment.

1/4/21

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

65 File No. 202 of 1920.

Serial No.

(2) The petr was tried, charged and convicted for rioting and murder & sentenced to death under s. 302 I.P.C. in Mysore Sessions case no: 4 of 1920-21, & in Crimb Appeal no: 74 of 1920-21 the sentence was confirmed by the Chief Court. The petr has now sent up a memorial praying that the extreme penalty of the law may be commuted to a lesser punishment.

3) It has been established by the prosecution evidence that when the Kalkuni people & the Chidravalli people were about to fight each other armed with swords, axes & clubs the deceased Hosakoppal Nanjo threw himself between the opposing parties and advised them to allow their differences to be amicably settled & not to proceed to violence & that the petr and two others struck him with a sword, axe & club and inflicted serious injuries from the effect of which he died in a few hours. The evidence shows that the petr struck the deceased on the chest with an axe called Gandu Kodli, that the blow was so violent that it pierced into the inner region & separated the bones, and that the wound thus inflicted on

NOTE—Contn. sheet.

(4

20:21

G. R. S. III-2]

General and Revenue Secretariat.

66 File No. 202 of 1920.

Serial No.

the innocent man proved fatal. The deceased person was unarmed & gave no provocation to justify the act of the petr. which was most brutal & violent, and the judges of the Chief Court have remarked that the sentence of death passed on the petr. is appropriate to the gravity of his offence.

4) The petr. & his friends absconded immediately after the occurrence & were arrested only 7 months after, and they set up a defence of alibi which was not proved.

5) The readiness with which the villagers assembled in large numbers armed with sword & axes over a trifling matter arising from the alleged non-payment of an anna, being the price of a tender cocoanut, indicates the spirit of lawlessness prevailing in ~~these~~ these parts, and the brutality with which an innocent, unarmed person, who gave no manner of provocation & whose only object was to bring about peace between the two parties, was attacked by the petr. perhaps seems to preclude any considerations of mercy in favour of the latter.

Office to kindly flag refer. D. M.

Council matter

NOTE—Contn. sheet.

Rev: Secy
3rd Member

6-4-21

6) Subd for orders
D. M.
6/4
D. M.
6/4

5714
7-4-21

(5

G. R. S. III-2]

General and Revenue Secretariat.

No File No. 202 of 19 20.21

Serial No.

7) There is no doubt that in course of a factious fight between the Villagers of Chidarvalli and Kalkeri, J. Nursipur Taluq, the deceased Hoskoppal Nanja received any severe injuries which resulted in his death soon after. But the story of the persecution as regards the cause of dispute and the manner in which the death was brought about cannot be easily believed. There is a Tope called the Kurbur Kalli Tope which is used as a common gambling place by these & other neighbouring villages. On the 4th of April 19, a quarrel is stated to have arisen between two persons - one Kudurgunte of the Kalkaini village & the other Peera of the Chidarvalli village, over a small debt of one anna which the latter owed to the former and which he declined to pay. The respective village people present at the time are stated to have espoused their cause & in the course of the quarrel which ensued Kudurgunte & Manche Madda of the Kalkeri village were slippered. These two persons being encommunicated by their caste men, they appealed to their Yejmans Wahab Sahel & Khasim who arranged for a panchayat being held to settle their claim for compensation.

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

Ch File No. 202 of 1920

Serial No.

Accordingly, the people of the two villages met in the Tope in the 7th inst, but the Andarvalli people are alleged to have put off the ~~dispute~~ settlement in the present that the Patel & the Shanbhogue of their village had not come. Whilst the men assembled were about to disperse, the accused ~~are stated to have abused~~ who belong to the village of Andarvalli are stated to have abused their opponents with the result that the latter retaliated and both sides prepared themselves to fight. The deceased is stated to have intervened & tried to pacify the parties, but without any result. ~~[illegible]~~ Instead of listening to his advice, the 2nd accused is stated to have given a cut with his sword, the 2nd accused to have given a blow with a gandi kudli which cut through his chest and the 3rd a blow with a club. The 2nd accused only has been sentenced to death whilst the two accused have been sentenced to short terms of imprisonment.

1 M.

1 M.

8) Ex. Now, it appears to me that

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

cts File No. 202 of 1920-21

Serial No.

if the causes of the dispute had not been a deep ~~[illegible]~~ seated one, ~~[illegible]~~ the parties would not have come to blows ~~[illegible]~~ over the small affair of Persan & Kudus punta. Further if the villagers went with Jope mother of the April with the object of settling their dispute amicably, there is no reason why they should have gone around with clubs, swords & battle-axes. The Sessions Judge observes "As the presence of weapons, it is difficult to discern with what motives the persons went there with weapons". As to why the man who was trying to pacify the parties should have been so brutally assaulted, the Sessions Judge observes "One cannot expect any reasonable course of conduct from a person under uncontrollable passion". The Zej mans Wahat Sal & Khasim St have ~~[illegible]~~ not been examined & this is a point in ~~[illegible]~~ favor of the accused.

~~[illegible]~~ The death under any circumstances was not a deliberate act of murder and I think that this is a fit case for the exercise of the prerogative of mercy. The sentence

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

File No. 202 of 1921

Serial No.

Council matter

DEWAN'S OFFICE.
Recd. on APR 8 1921
Reg. No. 6351

Dewan

NOTE—Contn. sheet.

20421

G. R. S. III-21

General and Revenue Secretariat. | 6 ts File No. 202 of 1920

Serial No.

14) The sentence may be commuted to one of transportation for life.

[signature] 22.4.21

15) I agree with the opinion above.

[signature] 25.4.21

16) Circulates completed.
Reduces with compts by
26/4/21

Dewan)

[signature] 26.4.21

17) As decided in Court yesterday, P.M. 27/4 a recommendation may be submitted to H.H. for the exercise of the prerogative of mercy

[signature] 29.4.21

18) Please put up a D.F.N. & D.S.N.

P.M. 2/5

6 ts 2/5

19) Submitted with a D.F.N. & D.S.N.

[signature] 5/5/21 [signature] 6/5

20) Please put up a typed D.F.N. as revised. The D.S.N. may also be typed.

P.M. 9/5

DEWAN'S OFFICE.
Recd. on APR 27 1921
Reg. No. 6745

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

File No. 202 of 1920-21

Serial No.

21) Submitted with a typed D.F.N & D.L.N

9/5/21 11/5

22) Sub'd with a D.F.N.

12/5

3rd Member

23) DFN applied

13/5

24) Copied

14/5

14.5.21.

14/5

Dewan.

636) 13.5.21

DEWAN'S OFFICE.
Recd. on MAY 16 1921
Reg. No. 7166

NOTE—Contn. sheet.

Final Note by the Third Member of Council.

Subject:-

Memorial of Siddamade Gowda against the sentence of death passed upon him in Mysore Sessions Case No.4 of 1920-21.

---

25) The memorialist, Siddamade Gowda was charged with, tried and convicted of the offences of rioting and murder and sentenced to death under Section 302 Indian Penal Code in Mysore Sessions Case No.4 of 1920-21, and in Criminal Appeal No.74 of 1920-21 the sentence was confirmed by the Chief Court. The accused having submitted a memorial for mercy, I recorded the following minute:-

26) "There is no doubt that in course of a factious fight between the villagers of Chidarvalli and Kalkuni, T.Narasipur Taluk, the deceased Hoskal Nanjappa received severe injuries which resulted in his death. But the story of the prosecution as regards the cause of dispute cannot be easily believed. There is a tope called the Kurubarkatt Tope which is used as a common gambling place by these and other neighbouring villagers. On the 4th April 1919, a quarrel is stated to have arisen between two persons, one Kudurgunta of Kalkuni village and the other Peeru of the Chidravalli village over a small debt of one anna which the latter owed to the former and which he declined to pay. The respective village people present at the time are stated to have espoused their cause and in the course of the quarrel that ensued Kudurgunta and Manchi Mudda of the Kalkuni village were slippered. These two persons, being excommunicated by their castemen, appealed to their Yajmans, Wahab Saheb and Khasim, who arranged for a Panchayet being held to settle their claim for compensation. Accordingly the people of the two villages met in the Tope on the 7th April 1919 but the Chidaravalli people are alleged to have put off the settlement on the pretext that the Patel and Shanbhogue of their village had not come. Whilst the men

assembled

5. 30) The case was also discussed at a meeting of the Council held on 28th April 1921 and they are of opinion that a recommendation ma be submitted to His Highness the Maharaja for the exercise of his prerogative of mercy.

6. 31) The opinion of the Council may be approved.

14th May 1921.
Bangalore.

Member of Council.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

No. 1149
18-5-21

Memorial of Siddamade Gowda praying for mercy against the sentence of death passed upon him in Mysore Sessions Case No. 4 of 1920-21.

Order.

33) KRW
20/5/21

34) Rev. Ly
23.5.21

26/5

(16

C586.

G. R. S. III-2]

General and Revenue Secretariat.

File No. of 19 .

Serial No.

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

35) Circulated to the Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Govt.

30.5.21

Through the Secretary to Government,

.....Revenue.....Department.

6373-370. 31.5.21.

FIRST MEMBER OF COUNCIL 36) Secy Rev. 1.6.21

SECOND MEMBER OF COUNCIL

6884 31/5/21

THIRD MEMBER OF COUNCIL. 37)

NOTE—Contn. sheet.

38) Rev. Secy. with Compliments 31/5

39) Officer Judge for further immediate action. 2.6.21

2/6/21

(17

G. R. S. III-2]

General and Revenue Secretariat.

Cs File No. 202 of 19 20-21

Serial No.

Submitted with 2 drafts and a fair

3/6/21

printed form of the order is subd for favour of signature

Mahadevappa
6/6

Dewan

Signed by Dewan.
7.6.21.

8/6/21.

D.M.
8/6

DEWAN'S OFFICE.
Recd. on JUN 7 1921
Reg. No. 7596

2 To The Registrar Wh court.

No G 24126 Dt 9.6.1921

Forwards copy of order passed by H.H. the Maharaja on the Prisoner's memorial.

NOTE—Contn. sheet.

857 / 6r with 3. Enclosures & records

DIARY No 20 & 21

20 1921

Bangalore, 05

Dated 24th March 1921 202-20.

REV.

29 MAR 1921

From

THE REGISTRAR OF THE

CHIEF COURT OF MYSORE.

67 69

To

THE Chief SECRETARY TO GOVERNMENT,

~~GENERAL AND REVENUE DEPARTMENTS~~.

Bangalore

Sir,

I am directed to forward a memorial addressed to His Highness the Maharaja by Sidda Mada Gowda 1st accused in Mysore Sessions Case No. 4 of 1920-21 on the file of the Sessions Judge of Mysore Division and 1st appellant in Criminal Appeal No. 74 of 1920-21 on the file of this Court. Crl. Referred Case N-8 of 20-21

30 MAR 1921

The entire record of the case is herewith forwarded.

I have the honor to be,

Sir,

Your most obedient servant,

E. Sunnivan

Registrar.

GPB—1,000—16-8-12

To

His Highness Sri Krishnaraj Wodayar Bahadur, G.C.S.I.

M a h a r a j a of M y s o r e.

The humble Memorial of Siddamade Gowda

condemned Prisoner No.1788, now in

Mysore Jail.

Most Respectfully shewth:-

Your Highness's humble memorialist was tried by the Sessions Judge of Mysore in Mysore Sessions Case No.4 of 1920-21 for the offence of rioting and murder and sentenced to death. Your Highness's humble Memorialist appealed to the Honourable the Chief Court against the said conviction and sentence in Criminal appeal No.74 of 1920-21 who have confirmed the said sentence. Your Highness's humble memorialist is innocent but since two Courts have held otherwise he cannot but bow to their decision with regard to his guilt. But with regard to the sentence passed on him Your Highness's humble Memorialist prays that the extreme penalty of the Law may be commuted to a lesser punishment in view of the following circumstances:-

(1) That the prosecution story as disclosed from evidence recorded at the inquest is opposed to the story

story given at the time of the trial; whereas the story told at the inquest was that the Kalkuni people among whom was the deceased, came armed with a view to deliberately punish the Chidravalli people thus showing that the Kalkuni people were the aggressors, at the trial this story has been completely changed and evidence is adduced to show that the Kalkuni people came with a peaceful intention and that the Chidravalli people were the aggressors. The witnesses examined by the prosecution at the time of trial cannot, under the above circumstances, be believed.

(2) The story as told at the inquest shows that the quarrel was a sudden one provoked by the Kalkuni people in which a large number of persons namely between 50 to 60 on each side took part and the Chidravalli people acted in self defence.

(3) Both the Courts have found that there was no ill-will between the deceased and Your Highness's Memorialist and that there was no motive to kill the deceased.

(4) The story as told by the prosecution goes to show that there was a sudden quarrel between two factions, and in the heat of excitment the members composing the two factions have acted under uncontrollable passion and provocation as stated by the learned Sessions Judge in para 9 of his Judgment. This shows that the beating was not deliberate and that it was not done with the intention of killing any body, though in the heat of excitement the beating may have been excessive.

(5) In all such rioting cases where murder has taken place and which the accused have been convicted, generally the accused have not been sentenced to the extreme penalty

penalty of the law.

(6) Your Highness's humble Memorialist is a young man of 24 years of age having a wife and two young children who become destitute if the extreme penalty of the law is carrie out.

For the above reasons Your Highness's humble Memorialist respectfully prays that he may be spared his life, for which act of mercy Your Highness's humble Memorialist will ever be grateful.

[illegible]

Fr=740

[illegible]

Signed before me
[illegible]
Superintendent
Nusvi Jail.

19/3/21

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Friday the 11th day of March 1921.

PRESENT

Mr. Justice K. S. Chandrasekhara Aiyar
and
Mr. Justice R. B. Plumer.

Petition of Criminal Appeal No.74 of 1920-21/Criminal Referred Case No.8 of 1920-21 against the convictions and sentences by the Sessions Judge of Mysore Division under sections 147 and 302 I.P.C. in the case of the 1st accused, under sections 147 and 324 I.P.C. in the case of the 2nd accused and under sections 147 and 323 I. P.C. in the case of the 3rd accused in Mysore Sessions Case No. 4 of 1920-21.

APPELLANTS:-

1. Siddamada Gowda
2. Raza Miya.
3. Rangaiya.

(accused 1 to 3).

JUDGMENT

The nature and number of the injuries found on the dea body of ~~the~~ Mosakoppal Nanja place it beyond a doubt that dea must have been the result of deliberate violence. One of t was an incised wound on the chest, 10½ inches long and 4½ broad in the middle and 2½ inches at the ends, and cutti through several of the ribs; they must have been caus ing to the medical evidence, by some sharp and heavy

instrument like a chopper with an end 3 or 4 inches long. The incised wound on the back of the upper part of the left forearm about 2½ inches across, 1 inch broad and ¼ inch deep, must likewise have been caused by a sharp cutting instrument. The others were contused wounds on the left shoulder and on the left side of the chin.

Now, these indications of the post mortem examination are fully in keeping with the direct evidence in the case furnished mainly by the statements of prosecution witnesses 5,6,8 and 9. According to these witnesses, and prosecution 7th witness who is probably more a hesitating than a hostile witness, upon Hasankoppal Hanja intervening between the Chidervalli people and the Kalkani people and trying to pacify the former, the 2nd accused dealt Hanja a blow on his left forearm with a sword, while the 1st accused struck him with an axe on the left portion of the chest down the shoulder, while the 3rd hit him with a club on the left shoulder. We have weighed the evidence of these witnesses very carefully, and are satisfied that they are in the main stating facts as they occurred, and that no reasons have been made out why they should depose falsely against the appellants. It may be that the Kalkani people may also have come prepared to take part in disturbances; but that in no way affects the fact of the ness and brutality of the conduct of the accused towards an unarmed man whose only object, to the evidence, was to dissuade the accused from proceeding to violence.

Much stress was laid by

that a number of important persons acquainted with the facts, like Kudaragunta, who was indeed the occasion for the whole quarrel originating, and Kasana the younger brother of the deceased who was present at the time of the occurrence have not been examined by the prosecution. Both these witnesses were examined before the Committing Magistrate, the former on two occasions. Kudaragunta's testimony on both occasions was more or less in accordance with the general trend of the case for the prosecution; that being so, it is difficult to understand the attitude of the Public Prosecutor in dispensing with his examination before the Sessions Court as being a hostile witness, and that of the Sessions Judge in allowing it to be so dispensed with. This Court has had occasion to criticise such a procedure in its judgment in Criminal Appeal No.82 of 1920-21; so it is unnecessary now to say more than that if we had reason to think that the defence had been in any way prejudiced by the omission to call Kudaragunte as a witness, we should have taken that circumstance into consideration in arriving at a conclusion. Kasana's statement before the Committing Magistrate was, on the other hand, quite opposed to the trend of his statement at the inquest, and there was little doubt but that he had been subsequently won over and induced to disclaim all knowledge of the occurrence; no useful purpose would have been served by his being examined as a prosecution witness at the Sessions trial, and in the circumstance it was not incumbent on the prosecution either to call him as a witness or to tender him for cross examination. Compare the ruling of the Full Bench of the Allahabad High Court in Queen Empress V. Durga, 16 All. 84.

No serious attempt was made by the defence to establish the plea of alibi set up, a plea that is disproved,

not only by the evidence of the witnesses specifically referred to earlier in this judgment, but by other evidence such as that of the shanbhog prosecution 3rd witness and of the constable, prosecution 2nd witness who had dispersed the crowd shortly before the occurrence and had then met the appellants.

We cannot say that the Sessions Judge erred in taking into consideration in determining the guilt of the appellants the fact that they absconded immediately after the occurrence and were only arrested seven months later.

On the whole we feel no doubt that the appellants have been rightly convicted. The act of the 1st appellant Siddamada Cowda was brutal, violent and unprovoked; the ~~xx~~ sentence of death passed on him is the only one appropriate to the gravity of the act, and is accordingly confirmed. The sentences in the case of the other appellants fall materially short, in our opinion, of the strict requirements of justice; but we do not wish to interfere at this stage with a view to their enhancement.

The appeals are dismissed.

Sd/ K. S. Chandrasekhara Aiyar
J U D G E.

Sd/ R. B. Plumer
J U D G E.

AV.

True Copy
Mr. Ramasingar
Dy. Registrar

20

[illegible]

In the Court of [illegible], [illegible] Division.

[illegible], [illegible], the [illegible] 19[illegible].

[illegible]

[illegible], Superintendent,

[illegible].

[illegible] 4 of 19[illegible]-21.

Complainant.		Accused.
[illegible]	[illegible]	1. [illegible]
		2. [illegible]
		3. [illegible]
		4. [illegible]
		5. [illegible]

Charge:-	[illegible] 1st accused	:-	302, 147 [illegible]
	[illegible] 2nd "	:-	302, [illegible], 147, [illegible]
	" 3rd "	:-	302, [illegible], 147, "
	" [illegible] "	:-	147, [illegible]
	" 5th "	:-	147, [illegible]

[illegible].

[illegible] Nos. 1 to [illegible] are indicted for the murder of [illegible], on [illegible] 1919 at a [illegible], lying [illegible] between [illegible] and [illegible], [illegible] in [illegible] District. [illegible] and [illegible] are [illegible] and [illegible]

326 and 323, I.P.C. The [illegible] prisoners are indicted for violation [illegible] peace, punishable [illegible] section 107, I.P.C.

The [illegible] of the [illegible] sought to be established by the evidence of prosecution witnesses, may [illegible] be stated:

The genesis of the dispute between the people of [illegible] [illegible] incident that occurred [illegible] [illegible]. On that day one [illegible] Ugur ~~made~~ [illegible] went to a grove called [illegible] [illegible] is used [illegible] [illegible] village [illegible] [illegible] called [illegible], to sell [illegible] occupants. The 5th witness [illegible] [illegible] the price of a coconut [illegible] [illegible] that he had already [illegible]. [illegible] altercation took place between [illegible]. [illegible] [illegible] his [illegible] Ugur ~~n~~unt, [illegible] and [illegible] the [illegible] prisoner [illegible] the [illegible]. [illegible] prisoner [illegible] [illegible] [illegible]. [illegible] blow on [illegible] [illegible]. [illegible] to belong to [illegible] [illegible] joined [illegible] [illegible] to [illegible] village. The village [illegible] col[illegible] [illegible]. [illegible] Ugur [illegible] accept [illegible]. [illegible] found that [illegible] to and [illegible] had to spend [illegible] that [illegible] [illegible] into their community after purification. [illegible] [illegible] time. [illegible] following, Ugur [illegible] and [illegible] [illegible] [illegible], according to the usage [illegible]. [illegible] [illegible] to [illegible] [illegible] [illegible] [illegible] [illegible]ertook

to interfere on their behalf and went with them to [illegible] which took on 7th April 1919, [illegible] the people of Chidrevalli including the prisoners had already collected. There were also the people of [illegible] village. [illegible] and [illegible] asked the people of Chidrevalli to stop quarrelling and hold a panchayat to settle the matter. The prisoners stated that in the absence of their patel and shanbhogue they would not consent to any agreement. A boy was accordingly sent to fetch the patel and shanbhogue of Chidrevalli. The [illegible] returned saying that they were not to be found in the village. Thereafter the meeting was [illegible] to the following day. While the villagers of Chidrevalli [illegible] were dispersing, the prisoners [illegible] the villagers of [illegible], who in return retaliated. By this time, the [illegible] were approaching each other evidently for an attack. The prisoners and their villagers consisting of 30 or 40 persons were armed with [illegible], [illegible], etc. The [illegible] people numbering about 30 or 40, had [illegible] in their hands. When each group was about to attack the other, [illegible] of [illegible] stepped forward to the [illegible] and entreated the prisoners to [illegible] that though the people of [illegible] were [illegible], [illegible] they have consented to abide by the decision of panchayatdars, and it was [illegible] only right for them also to agree to a settlement. Thereupon the [illegible] prisoner stated "You too have [illegible] of [illegible] people. Who are you to interfere?" [illegible] dealt a blow with [illegible] on [illegible]'s left forearm. [illegible] 1st [illegible] which are called [illegible] left portion [illegible] the shoulder. He [illegible] into the inner [illegible] and [illegible]. [illegible] on the left shoulder. [illegible] [illegible]

[illegible] ti(or bed cloth) [illegible], [illegible] tied [illegible] round [illegible] [illegible] bleeding. [illegible] to carry [illegible] to the hospital. [illegible] [illegible], [illegible] carried him [illegible] time. [illegible] about three [illegible], [illegible] bleeding, [illegible] three [illegible]. [illegible] died [illegible] little [illegible] [illegible] 1941. [illegible] over [illegible] night, [illegible] the [illegible] [illegible] to [illegible]. [illegible] on [illegible] until [illegible] [illegible] until [illegible] [illegible] [illegible] 1941.

B. All the [illegible] [illegible] [illegible] in [illegible] [illegible]. [illegible] 1 and [illegible] behalf of [illegible] certain [illegible] [illegible] court, [illegible] [illegible] to [illegible].

C. [illegible]

effect of a wound on the chest.

Dr. [illegible], senior sub-assistant surgeon who held the autopsy testifies to the presence of 4 wounds on the person of Manja, of these the last wound was a fatal one.

The following is the description given of the wounds:-

(1) " An incised wound on the chest 10 inches long and 4 inches broad in the middle and about 2 inches at the ends. The wound running from above downwards and to the right slantingly from about the left clavicle to about a point 1/4 inch beyond the right nipple, cutting fully through the right [illegible] part of the sternum for about [illegible] inches long, [illegible], 5th, 6th, 7th ribs fully through and the 7th rib [illegible] cut in the direction of the wound. The lung substance corresponding to the cut ribs was wounded and protruding.

(2) Another incised wound on the back of the upper part of the left forearm 2 inches about across and one inch broad and the same depth i.e. the ulna being cut to a depth of about 1/4 inch [illegible] skin and muscles.

(3) One contusted wound on the left shoulder on the [illegible] part of the front aspect about 1 inches long and 1 inch broad and skin deep.

(4) One contused wound on the left side of the chin [illegible] inch long and [illegible] inch broad and deep to the muscle beneath."

6. The most important question calling for decision is whether the [illegible] are implicated in this crime.

The testimony of [illegible] (P.W. 5), [illegible] (P.W. 6), Manchi Mudda (P.W. 8) and ——

[illegible] in public by the prosecution [illegible] advanced [illegible] to [illegible] not [illegible] placed [illegible]

By [illegible] himself the trouble of [illegible] or different [illegible] unknown person or [illegible].

[illegible] the evidence on the record [illegible] criticism advanced by the defence.

[illegible] the prosecution [illegible] shall only [illegible] the occurrence [illegible].

[illegible] resident of [illegible] village [illegible] to [illegible] village, [illegible]

[illegible] recorded

[illegible] at the same moment in consequence the required to be shot and [illegible] court proceedings from start [illegible] to the time when Nauja fell down after receiving [illegible] mortal injury.

Except trivial discrepancies in the testimony of this and other witnesses no motive is imputed to this witness to forswear himself. He has not made any contradictory statements. Evidence relating to the conversation between the prisoners nos. 1 to 5 and the [illegible], exhibited relation to the [illegible] of the [illegible] before the court. He is [illegible] to the [illegible] mixed himself in [illegible] differences in the [illegible] are indicated.

The [illegible] of Nagal [illegible] testimony of [illegible].

It was argued that the evidence of [illegible] witnesses, by reason of their [illegible], [illegible] on 19th April 1919, [illegible] evidence is not credible. The [illegible] accurate [illegible] witnesses [illegible] at the [illegible] incident [illegible] court [illegible] trivial [illegible] were not regarded [illegible].

[illegible] (2, 27) testified to [illegible] presence of [illegible] and [illegible] to [illegible] the [illegible] court [illegible] to memorialist [illegible] tempered [illegible] not rely upon [illegible].

[illegible]

[illegible] in [illegible] craft, [illegible] introduced for the first time, the presence [illegible] is [illegible] of [illegible] [illegible] by the [illegible] ~~[illegible]~~ [illegible] [illegible] indiscreetly [illegible] picture [illegible] presence of [illegible] witnesses. [illegible] in the witness-box [illegible] satisfactory. [illegible] is not to [illegible] evidence on his testimony.

[illegible] evidence of [illegible] [illegible], it [illegible] veracity [illegible] reliable [illegible] in the [illegible] of [illegible] witnesses, [illegible] put to the [illegible] [illegible] good reason [illegible] [illegible].

[illegible] it is [illegible] to [illegible] investigating officers [illegible] the [illegible] [illegible] of [illegible], have turned [illegible] record to [illegible] in [illegible] the [illegible] [illegible] witnesses, [illegible] not [illegible] to [illegible] the [illegible] in [illegible] of [illegible] witnesses is [illegible] to [illegible] tion [illegible] 1 [illegible] [illegible] acceptance of [illegible] it [illegible].

7. [illegible], ~~[illegible]~~ dealt with the ~~[illegible]~~ evidence [illegible] [illegible]

[illegible] reference to [illegible] [illegible] [illegible] statement of [illegible] only [illegible] discrepancy between [illegible] [illegible] in consequence [illegible] would [illegible]

carefully scrutinised [illegible] testimony [illegible] any glaring discrepancy [illegible].

[illegible] These trivial discrepancies in [illegible] testimony [illegible] be considered [illegible] illustrating the various [illegible] in which the [illegible] incident strikes different witnesses. It is unlikely that [illegible] is likely to invent [illegible] story of shoe-beating [illegible] such [illegible] story reflects discredit [illegible] to him. [illegible] could not have invented such [illegible]. [illegible] in [illegible] motive [illegible].

[illegible] considerations lead [illegible] testimony.

[illegible] consider the alleged improbabilit[illegible] defence.

It is urged that if [illegible] Neuir [illegible] him, he could have naturally [illegible] particulars [illegible] could [illegible] on the [illegible] in [illegible] more [illegible] important [illegible] under [illegible] cannot [illegible] the [illegible] prosecution story must be false.

[illegible] On the other hand, the public prosecutor [illegible] that [illegible] discredit [illegible] in [illegible] leading influence in the village, they [illegible] of the prosecution [illegible], that [illegible] have [illegible] in fact [illegible] found [illegible] supersed[illegible]

[illegible] by a [illegible]. [illegible] does not make any enquiries [illegible] the [illegible] from any [illegible] nor does he say [illegible] information. It is ingenuously written therein [illegible] no [illegible] preferred a complaint to him. If no complaint [illegible] given to him, why should he go to [illegible] in the evening of 7th April 1919. After [illegible] to [illegible], he ought to have made enquiries there. [illegible] the evidence of [illegible] (P. 3) it is clear that the [illegible] of the quarrel had been spread in the village of [illegible] Chiderwalli at about 4 P.M. on 7th April 1919. It is therefore unlikely that this Patel who went to [illegible]ravalli for the express purpose of sending a report, could not have learnt the particulars of the dispute, before he sent a report. He got the report written by [illegible] shrewd shashbhogue. It is not unreasonable to draw an inference that he [illegible] not [illegible] full particulars of [illegible] in his report for reasons best known to him, [illegible] to save himself [illegible] culpable. As to the patel of [illegible], it is hard to believe that he did not know that the [illegible] of Hanja was brought and placed about two furlongs from his village on the evening of 7th April 1919. It is a matter of to be considered [illegible] learnt the news of the dispute [illegible] report on 7th April 1919 was also a resident of [illegible], as the dispute took place within a mile from these villages and as the surrounding villages were present, it is incredible that the news of rioting and murder [illegible] spread in these villages on the very [illegible] of occurrence.

[illegible] conduct of the patel of [illegible] [illegible] relatives of [illegible] [illegible] distance of a mile from his village [illegible]

[illegible] of [illegible] report, [illegible], to my mind, that [illegible] rumours [illegible] circumstances known to him and that he had sent a report only to save himself. For these reasons [illegible] the fact that the names of [illegible] are not mentioned in the reports of the Patel.

The conduct of [illegible] in not mentioning the fact to the Patel, seems to be justified from the fact that inasmuch as he was a member of an unlawful assembly, he was naturally afraid of the consequences and did not complain to the authorities.

7. It is next argued that there was no necessity [illegible] rifles when [illegible] to [illegible] fired for settlement, and that it is not shown how the weapons came to be in the possession of persons when they had no knowledge of a possible riot.

It is in evidence that the people of [illegible] were anxious for a settlement and that [illegible] people [illegible] such intention and put off the matter on the pretext that the Patel and [illegible] of their village were not present. It is not therefore unlikely that they became [illegible] as stated by the prosecution witnesses. One cannot expect any reasonable course of conduct from a person [illegible] uncontrollable passion. As to the presence of weapons it is difficult to discern with what motive the persons went there with weapons. It can only be ascertained [illegible] acts of the person. There is abundant evidence on the record [illegible] that each person used weapons of various [illegible]erations.

It is a significant fact that the persons [illegible] [illegible], did not come for the love of [illegible],

[illegible] officers [illegible] been committed under [illegible] in consequence it is unnecessary [illegible] that [illegible] treated with consideration by [illegible] in [illegible] of quarters, [illegible]. This fact is only consistent with [illegible] the witnesses for the prosecution.

[illegible] there, the witnesses for the prosecution [illegible] have any prejudice against the prisoners [illegible] have stood the most searching and incessant cross-examination.

[illegible] cannot bring himself to believe that a person [illegible] officer like the [illegible] would connect a case of [illegible] as advisable for the [illegible].

It is a significant fact that the prosecution [illegible] 1 to 5, [illegible] to [illegible], in order [illegible] correct and [illegible] evidence in [illegible] in proof of their plea of alibi. [illegible] the [illegible] of evidence on the record, [illegible] cannot [illegible] the conclusion that the prosecution story is [illegible] correct.

10. [illegible] to the [illegible] given by the [illegible], the public prosecutor [illegible] that the assembly became [illegible] immediately after the [illegible] got up [illegible] a [illegible] and [illegible] to [illegible] the people [illegible] [illegible] objected to stop [illegible] people. [illegible] evidence on the record [illegible] [illegible].

[illegible] to the part played by [illegible], the [illegible] in [illegible] clear and convincing evidence in [illegible] carried [illegible] [illegible] [illegible]

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specified under section [illegible], [illegible] and 3rd prisoner [illegible] guilty of the [illegible] simple hurt.

The 2nd [illegible] is sentenced to one year's rigorous imprisonment under section 324, I.P.C., and the 3rd prisoner [illegible] is sentenced to six months' rigorous imprisonment under section 323, I.P.C. The sentences passed on the prisoners do run concurrently.

[illegible] I have [illegible] to [illegible] that I cannot refrain from sending [illegible] to [illegible].

The nature of the [illegible] 1 [illegible] committed with [illegible] brutality without any provocation [illegible] innocent person. There are no mitigating circumstances in the case.

For these reasons the court directs Hidda [illegible] be [illegible] by the neck until he is dead. This sentence is subject to confirmation of the chief court to show the proceedings will be submitted.

Articles nos. 1 to 7 not marked will be sent to the District Magistrate for disposal according to law. [illegible]

The 1st prisoner is informed that he should [illegible] [illegible].

Pronounced in open court.

[illegible],

[illegible] Judge.

Copy applied for on 12-11-26

Copy ready & delivered on 17-11-20

" C O P Y "

[illegible]

SESSIONS JUDGE.

itnesses examined in the case:-

For Prosecution.-

1. Ganji.
2. Srinivasaiya.
3. Ramakrishnaiya.
4. Chikka.
5. Ameer Sab.
6. Putta Lasappa.
7. Khadir Sab.
8. Ranchi Gudda.
9. Jayaraiya.
10. Mr. [illegible] Rao.
11. Mr. [illegible] Rao.

For Defence:-

1. Lingappa.
2. Kempe Gowda.

Exhibits filed in the case:-

For Prosecution:-

P1 and P1a. Sketches of the scene of occurrence and surroundings.

P2. Statement of the 1st accused before the Committing Magistrate.

P3. Statement of the 2nd accused before the Com. Magte.

P4. Statement of the 3rd accused " "

P5. " " 4th " " "

P6. " " 5th " " "

For Defence:-

D1. Portion of the deposition of Ganji, P. .1, before the Committing Magistrate as P. .1 in C.C. No.54 of 1919-20.

D2. -do- Srinivasaiya, P. .2, before -do- as P. .24 in -do-

D3. -do- Ameer Sab, P. .5, before -do- as P. .4 in -do-

14. Portion of the deposition of [illegible], P. .5, before the committing Magistrate as P. .4 in C.C. No. 54 of 1919-20.

15. -do- of [illegible], P. .6, before -do- as P. .5 in C.C. No. 54 of 1919-20.

16. -do- -do- -do- -do-

17. -do- -do- -do- in C.C. No. 23[illegible] of 1919-20.

18. Portion of the deposition of Khadir [illegible], P. .7, before the Committing Magistrate, as P. .3 in C.C. No. 54 of 1919-20.

19. -do- -do- -do-

20. -do- -do- -do-

21. -do- of [illegible], P. .8, before the committing Magistrate as P. .1 in C.C. No. 54 of 1919-20.

22. -do- -do- -do-

23. -do- of Javarsiyed, P. .9 before -do- as P. .6 in -do

24. -do- -do- -do- -do-

25. [illegible] Patel's report dated [illegible] April 1919 to the [illegible] Patcheri.

26. Portion of entry under column 6 in the ~~[illegible]~~ Inquest report

27. [illegible] Patel [illegible]'s report dated 7-[illegible]-1919 to the [illegible] Police Station.

III. Articles produced in the case but not marked.-

I. A Lupati.

II. Another Lupati.

III. Another Lupati.

IV. Another Lupati.

V. A small panche.

VI. Another panche.

VII. A pair of golden Jatti [illegible].

Form No. 37]

Nominal Roll of Male* Convict No.† 1788 Name Siddamade Gowda Residence Chidara Valli, T. Narasipura.
(Village, Taluk and District) Taluk, Mysore District.
Caste Gangadikar Vokkliga Present age 29 Years Occupation Cultivation

WD 0195—GPB—600—10-1-19

Section and Code under which imprisoned	Original sentence and date of award	Adjudicating Court and number of Calender case in which convicted	Unexpired term of sentence after deducting remission earned			Present state of health and fitness to undertake a journey‡	Result of appeal (if any)	Conduct in Jail	Remarks
			Y.	M.	D.				
Section 302 Indian Penal Code.	To suffer death 12.11.1920	Mysore Sessions Case No 4 of 20-21 The Sessions Judge Mysore Division.	–	–	–		Appeal Dismissed Vide Chief Court order No 1104-5 E.B. Dated 11.3.21	Good	

* Strike out and add, "Female" when necessary.

† After the prisoner's number, add his class A or B, according as he is classed as a casual or habitual, respectively, and after the latter, add the number of previous convictions, thus No. 3742, 3.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical officer.

Note.—For personal and descriptive marks——see reverse.

Mysore Jail.
Dated 19.3.1921

Reverse

Personal and descriptive marks.

(To be given in respect of escaped prisoners only with reference to Rules 501-2, Jail Manual.)

G. R S. VI—s-III/33]

2 DRAFTS

SUBJECT .....

.....

.....

Section. Cti
File No. 202-20
Serial No. 2

No. G 24126

Diary No. of letter replied to 20421

To Records

The Registrar of the Chief Court of Mysore.

GENERAL AND REVENUE SECRETARIAT,
( )
, *the* ..... *191* .

Date of issue 9/6

Signed by [signature]

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner Siddamade gowda, accused in Mysore Sessions case no 4 of 1920-21 and undergoing sentence of death in the Mysore Jail, copy of order passed by H. H. the Maharaja of Mysore, on the prisoner's memorial praying that he may be spared his life.

2. The entire records received with your letter No. 857 dated 24th March 1921 are herewith returned.

I have, etc.,

[signature] 6/6

For Secretary. to Govt
Rev Deptt

[signature] 3/6

G. R. S. VII—S-III/34]

In the Matter of a Memorial

of Siddamade Gowda against the sentence of death passed upon him in Mysore Sessions case No 4 of 1920-21

His Highness the Maharaja

has been pleased to commute the sentence of death into one of transportation for life.

7.6.21

Dewan.

WD 02264—GPB—500—5-2-17